United Nations S/2003/554

Security Council

Distr.: General
19 May 2003

Original: English

Letter dated 19 May 2003 from the Permanent Representative of Mexico to the United Nations addressed to the President of the Security Council

I have the honour to request your kind assistance in distributing the attached correspondence between the Security Council and the International Criminal Court relating to the International Tribunal for Rwanda as a document of the Security Council.

(*Signed*) Adolfo **Aguilar Zinser**
Permanent Representative of Mexico to the United Nations

03-36486 (E) 200503

Annex I to the letter dated 19 May 2003 from the Permanent Representative of Mexico to the United Nations addressed to the President of the Security Council

Letter dated 30 April 2003 from the President of the Security Council addressed to the President of the International Criminal Court

I have the honour to attach a letter dated 16 April 2003 from the Secretary-General of the United Nations, forwarding a letter dated 26 March 2003 from the President of the Tribunal for Rwanda, Judge Navanethem Pillay.*

In her letter, President Pillay requests the extension of her term of office until the completion of the *Media* case, expected to finish no later than the end of this year 2003.

The members of the Security Council are aware that, on 4 February 2003, President Pillay was elected a judge of the International Criminal Court by the Assembly of States Parties to the Rome Statute of the International Criminal Court. The members of the Security Council therefore intend to request from President Pillay a written undertaking to be fully available as a judge of the Tribunal for Rwanda, as required by paragraph 3 of article 12 bis of the Tribunal's Statute.

Before the Security Council proceeds to take appropriate action on her request, Council members had asked me to seek your views and advice on this issue in the light of the applicable provisions of the Rome Statute.

(*Signed*) Adolfo **Aguilar Zinser**
President of the Security Council

* For the texts of the two letters, see A/57/790-S/2003/431.

Annex II to the letter dated 19 May 2003 from the Permanent Representative of Mexico to the United Nations addressed to the President of the Security Council

Letter dated 2 May 2003 from the Vice-President of the International Criminal Court addressed to the President of the Security Council

I have the honour to refer to your letter addressed to President Philippe Kirsch dated 30 April 2003 regarding the request of Judge Navanethem Pillay, President of the International Tribunal for Rwanda, to extend her term of office at the Tribunal until the completion of the *Media* case, expected to finish no later than the end of this year. As you are aware, President Pillay was elected a judge of the International Criminal Court by the Assembly of States Parties on 4 February 2003. In the above-mentioned letter you sought President Kirsch's view and advice on this issue in the light of the applicable provisions of the Rome Statute.

In accordance with article 35, paragraph 1, of the Rome Statute, all judges of the Court are elected on a permanent basis. However, the Presidency may decide in consultation with its members and taking into account the workload of the Court to what extent judges will be required to serve on a full-time basis. At this time, only the Presidency is serving on a full-time basis.

In the light of the workload as it has been assessed by the Presidency, I have the pleasure to inform you that it is not envisaged that President Pillay will be assigned substantive case work for the Court before the end of this year and that she will therefore not be required to serve on a full-time basis during that time. As an elected judge of the Court, however, President Pillay will be requested to attend the plenary sessions of the Court scheduled for mid-June and end of September.

(*Signed*) Akua **Kuenyehia**
Vice-President
International Criminal Court